

Remarks

Claims 1-20 are pending. Claims 11-15 and 17 have been amended. No new matter has been added.

Claim Objections

Claims 11-15 and 17 are objected to because of several informalities. In response, claims 11-15 and 17 have been amended (as shown above) to address these informalities. The applicants respectfully submit that these amendments in no way change the scope of coverage of claims 11-15 and 17.

Rejection of Claims under 35 U.S.C. § 102/103

Claims 1, 2, 4, 8-12, and 15-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kenner et al., U.S. Patent No. 6,003,030 (Kenner). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenner. Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenner in view of Biber et al., U.S. Patent No. 4,951,278 (Biber). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenner in view of Haeri et al., U.S. Patent No. 6,385,615 (Haeri). The applicants respectfully traverse these rejections.

Kenner, Biber, and Haeri taken alone or in combination neither teach nor suggest a network verification tool (NVT) apparatus including:

a network under test;

at least one probe network device coupled to the network under test, the at least one probe network device hosting at least one task type; and

an NVT server coupled to the at least one probe network device, wherein the NVT apparatus allows a user to create at least one task for the at least one task type by entering parameters into a template for each of the at least one task, the NVT server is capable of transmitting the at least one task to the at least one probe network device hosting the task type, and the at least one probe network device is capable of executing a process corresponding to the at least one task,

as required by independent claim 1, and generally required by independent claims 9, 17, and 19.

The Examiner states that the claimed “at least one probe network device coupled to the network under test, the at least one probe network device hosting at least one task type,” are taught by Kenner’s delivery sites (26, 28, and 30) and content providers (22 and 24). Office Action of September 29, 2003, p. 3, ¶1. The applicants respectfully disagree. Neither Kenner’s delivery sites nor his content providers host “at least one task type” within the meaning of the claim. Claim 1 clearly requires that (1) the at least one probe network device is capable of executing a process corresponding to at least one task, and (2) user is allowed to create the at least one task for the at least one task type by entering parameters into a template for each of the at least one task. While it may be the case that Kenner’s delivery sites and/or content providers execute some sort of operation (and the applicants do not concede this point), the Examiner points out no task from Kenner that is hosted by or executed on the delivery sites (26, 28, and 30) and content providers (22 and 24). That this is the case can further be seen by analyzing the Examiner’s other arguments.

Regarding the claimed “NVT apparatus allows a user to create at least one task for the at least one task type by entering parameters into a template for each of the at least one task,” the Examiner refers to Kenner’s configuration utility 34 and column 9, lines 36-45 which state:

The configuration utility 34 then queries the user (step 42) for various items of information needed in the configuration process, for example, the user’s name, e-mail address, password, modem speed, and information related to access control (e.g. what levels of various attributes are viewable by the user). The access control mechanism will be discussed in further detail below. In one embodiment of the invention, the information received from the user is encrypted and stored in a configuration file on the user terminal 12.

Nothing in the cited portion of Kenner teaches or suggests that a user can create *at least one task for the at least one task type* by entering parameters into a *template* for each of the at least one task. First, Kenner makes no mention of the use of a template for entering his “items of information needed in the configuration process”. Second, that information is not used to create “at least one task for the at least one task type” such that the claimed at least one probe network device is capable of executing a process corresponding to the at least one task. Kenner’s configuration utility 34 gathers and/or stores configuration

information and executes tests sent to it by the mirror service provider (MSP) 32. Kenner makes clear that any tests specified by MSP 32 come from MSP 32 in the form of a delivery site file (see, e.g., column 8, lines 18-26), that is the tests are not created by configuration utility 34, and that the tests and the configuration utility are executed on user terminal 12 (see, e.g., column 8, lines 18-26 and column 9, lines 50-53), not on delivery sites (26, 28, and 30) and content providers (22 and 24), i.e., that which the Examiner argues as teaching the claimed at least one probe network device.

Moreover, the Examiner acknowledges that the configuration utility is run on user terminal 12, but still suggests that such operation of the configuration utility “[c]orresponds to claimed at least one probe network device is capable of executing a process corresponding to at least one task” (Office Action of September 29, 2003, p. 3, ¶4) even though terminal 12 is not one of delivery sites 26, 28, and 30 and content providers 22 and 24, i.e., that which the Examiner argues as teaching the claimed at least one probe network device.

Finally, regarding the claimed “an NVT server coupled to the at least one probe network device, wherein . . . the NVT server is capable of transmitting the at least one task to the at least one probe network device hosting the task type,” the Examiner refers to Kenner’s Internet service provider (ISP) 14, and states:

- the configuration file is downloaded from the MSP (mirror service provider) [through] the ISP (server) to the user terminal 12 . . . [c]orresponding to the claimed NVT server is capable of transmitting the at least one task to the at least one probe network device hosting the task type; and the at least one probe network device is capable of executing a process corresponding to the at least one task.” (Office Action of September 29, 2003, p. 3, ¶5).

The applicants respectfully disagree. Since it is the Examiner’s position that the at least one probe network device is taught by Kenner’s delivery sites (26, 28, and 30) and content providers (22 and 24), then for ISP 14 to teach or suggest the claimed NVT server, ISP 14 would have to transmit the configuration file to the delivery sites (26, 28, and 30) and/or content providers (22 and 24). However, as acknowledged by the Examiner, ISP 14 does not do this. Furthermore, the receipt of the configuration file, the execution of the configuration utility, and the execution of the tests all occur on user

terminal 12, which is not by the Examiner's own admission at least one probe network device.


Additionally regarding independent claim 9, Kenner neither teaches nor suggests "converting the at least one task for transmission to the at least one probe network device," and the Examiner points to nothing in Kenner as teaching or suggesting this limitation.

Additionally regarding independent claim 17, Kenner neither teaches nor suggests "interpreting the task parameters to form task code that can be transmitted to at least one probe network device that hosts the task code," and the Examiner points to nothing in Kenner as teaching or suggesting this limitation.

Additionally regarding independent claim 19, Kenner neither teaches nor suggests "translating the tasks to task code," and the Examiner points to nothing in Kenner as teaching or suggesting this limitation.

Accordingly, independent claims 1, 9, 17, and 19 are allowable over Kenner, Biber, and Haeri taken alone or in combination. Claims 2-8 depend from claim 1 and are allowable for at least this reason. Claims 10-16 depend from claim 9 and are allowable for at least this reason. Claim 18 depends from claim 17 and is allowable for at least this reason. Claim 20 depends from claim 19 and is allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on <u>Dec 1</u> , 2003.	
 Attorney for Applicant(s)	<u>12/1/03</u> Date of Signature

Respectfully submitted,



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